

By: Ellis

S.B. No. 1400

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a limitation on increases in the total amount of tuition
3 and compulsory fees charged by public institutions of higher
4 education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 54, Education Code, is
7 amended by adding Section 54.011 to read as follows:

8 Sec. 54.011. LIMITATION ON INCREASE IN TOTAL AMOUNT OF
9 TUITION AND COMPULSORY FEES. (a) In this section, "compulsory fee"
10 has the meaning assigned by Section 54.503.

11 (b) The total amount of tuition and compulsory fees charged
12 by an institution of higher education to a student may not exceed
13 the total amount of tuition and compulsory fees that the
14 institution would have charged to a similarly situated student in
15 the preceding academic year by more than five percent. For purposes
16 of this subsection, students are similarly situated if they share
17 the same residency status, degree program, course load, course
18 level, tuition exemption status, and other circumstances affecting
19 the tuition and compulsory fees charged to the student. This
20 subsection does not ensure that the total amount of tuition and
21 compulsory fees charged to an individual student does not increase
22 by more than five percent based on a change in the student's
23 residency status, degree program, course load, course level,
24 tuition exemption status, or other circumstance affecting the

1 tuition and compulsory fees charged to the student.

2 (c) If as a result of a required statutory increase in
3 tuition or a compulsory fee an institution of higher education
4 would charge more in tuition and compulsory fees for an academic
5 period than permitted under Subsection (b) because the institution
6 does not have sufficient time before the beginning of the academic
7 period to adjust its tuition and compulsory fee charges:

8 (1) tuition for which rates are prescribed under
9 Section 54.051 or another provision prescribing tuition rates shall
10 be charged at those required rates; and

11 (2) the amount designated as tuition under Section
12 54.0513 or another provision authorizing an institution to
13 establish tuition rates, and the amount of a compulsory fee that is
14 not prescribed by law, must each be reduced by the same percentage
15 as necessary to comply with Subsection (b), except that the
16 institution is not required to reduce a fee that is approved by a
17 majority vote of the institution's students participating in a
18 general student election held for that purpose.

19 (d) The Texas Higher Education Coordinating Board may adopt
20 rules as necessary to administer this section.

21 SECTION 2. This Act applies beginning with the total amount
22 of tuition and compulsory fees charged by public institutions of
23 higher education for the 2005-2006 academic year.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

S.B. No. 1400

1 Act takes effect September 1, 2005.